

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JOSHUA HARPER,

CV. 08-321-MA

Petitioner,

ORDER

v.

J.E. THOMAS, Warden,
FCI Sheridan,

Respondent.

MARSH, Judge

Petitioner filed this habeas corpus proceeding on March 14, 2008, challenging the Bureau of Prisons' operation of the Inmate Financial Responsibility Program (IFRP). On January 12, 2009, this proceeding was stayed pending the Ninth Circuit's decision in West v. Thomas, CA 08-35648.

On March 12, 2010, respondent moved to lift the stay and dismiss this proceeding on the basis that it has been mooted by petitioner's release from custody. On April 12, 2010, I issued an order requiring petitioner to file any opposition to respondent's motions by April 23, 2010. That order was returned to the court

for lack of a current address. Petitioner has not kept the court apprised of his current address since his release from custody. See Local Rule 83.10 & 83.12.

Because it appears to the court that petitioner is no longer subject to the IFRP, there are no collateral consequences that may be avoided by granting relief, and this is not an issue which is capable of repetition but evading review,¹ IT IS ORDERED that respondent's motions to lift the stay (#18), and to dismiss (#20) are GRANTED, and this proceeding is DISMISSED, without prejudice.

IT IS SO ORDERED.

DATED this _20_ day of May, 2010.

_ /s/ Malcolm F. Marsh _____
Malcolm F. Marsh
United States District Judge

¹ Spencer v. Kemna, 523 U.S. 1, 14-18 (1998).